

5773

2013-2014 Regular Sessions

I N   S E N A T E

June 13, 2013

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to the sharing of unemployment insurance information with public entities for certain authorized purposes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraph (ii) of paragraph g of subdivision 3 of  
2     section 537 of the labor law is amended by adding two new clauses 10 and  
3     11 to read as follows:  
4     (10) ANY OTHER FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY, INCLUDING  
5     THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND  
6     ANY OF THEIR CONSTITUENT UNITS, OR THE AGENTS OR CONTRACTORS OF A  
7     GOVERNMENTAL AGENCY, WHERE SUCH INFORMATION IS TO BE USED FOR (A) EVALU-  
8     ATION OF PROGRAM PERFORMANCE, INCLUDING, BUT NOT LIMITED TO, LONGITUDI-  
9     NAL OUTCOME ANALYSIS OF PROGRAMS (INCLUDING PROGRAMS FUNDED BY PUBLIC OR  
10    PRIVATE MONEYS OR A COMBINATION THEREOF) TO THE EXTENT PERMITTED BY  
11    FEDERAL LAW; (B) FINANCIAL OR OTHER ANALYSIS REQUIRED BY FEDERAL, STATE,  
12    OR LOCAL LAW OR REGULATION; (C) PREPARATION OF REPORTS REQUIRED BY  
13    FEDERAL, STATE, OR LOCAL LAW OR REGULATION; (D) OPERATION OF PUBLIC  
14    PROGRAMS BY SUCH AGENCIES, THEIR AGENTS, CONTRACTORS AND SUBCONTRACTORS,  
15    WHENEVER THE COMMISSIONER DETERMINES THAT SUCH INFORMATION SHARING IS  
16    FOR THE PURPOSE OF IMPROVING THE QUALITY OR DELIVERY OF PROGRAM SERVICES  
17    OR TO CREATE OPERATIONAL EFFICIENCIES; OR (E) ESTABLISHMENT OF COMMON  
18    CASE MANAGEMENT SYSTEMS BETWEEN FEDERAL, STATE, OR LOCAL AGENCIES DELIV-  
19    ERING OR SUPPORTING WORKFORCE SERVICES FOR A SHARED CUSTOMER BASE, WHER-  
20    EVER SUCH COMMON CASE MANAGEMENT SYSTEM IS FOR THE PURPOSE OF FOSTERING  
21    WORKFORCE PARTNERSHIPS, PROGRAM COORDINATION, INTER-AGENCY COLLAB-  
22    ORATION, IMPROVING PROGRAM SERVICES, OR CREATING OPERATIONAL EFFICIEN-  
23    CIES. ANY REDISCLOSURE OF INFORMATION OBTAINED BY SUCH AGENCIES, THEIR  
24    AGENTS, OR THEIR CONTRACTORS UNDER THIS CLAUSE SHALL BE LIMITED TO TABU-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 LATION AND PUBLICATION OF SUCH INFORMATION IN AN AGGREGATED STATISTICAL  
2 FORM, EXCEPT WHEN AN AGENCY, ITS AGENT, ITS CONTRACTOR OR OTHER AGENCY  
3 MUST EXCHANGE SUCH INFORMATION FOR AN AUTHORIZED PURPOSE AS PROVIDED FOR  
4 IN THE WRITTEN AGREEMENT REQUIRED BY 20 CFR PART 603. NO INDIVIDUAL  
5 IDENTIFYING INFORMATION OBTAINED PURSUANT TO THIS CLAUSE SHALL BE REDIS-  
6 CLOSED IN THE COURSE OF THE TABULATION OR PUBLICATION. AS USED IN THIS  
7 CLAUSE, THE TERM "AGGREGATED STATISTICAL FORM" SHALL MEAN, IN THE CASE  
8 OF INFORMATION REGARDING INDIVIDUALS, A DATA SET THAT INCLUDES INFORMA-  
9 TION ABOUT NO FEWER THAN TEN INDIVIDUALS, AND, IN THE CASE OF EMPLOYER  
10 INFORMATION, A DATA SET THAT INCLUDES INFORMATION ABOUT NO FEWER THAN  
11 THREE EMPLOYERS, OF WHICH NO ONE EMPLOYER COMPRISES MORE THAN EIGHTY  
12 PERCENT OF THE AGGREGATED DATA SET. WHEN THE COMMISSIONER APPROVES A  
13 REQUESTED DISCLOSURE OF INFORMATION FOR THE PURPOSES OF A LONGITUDINAL  
14 STUDY, THE COMMISSIONER SHALL ALLOW SUCH INFORMATION TO BE USED FOR A  
15 SPECIFIED PERIOD OF TIME AS PROVIDED FOR IN THE WRITTEN AGREEMENT  
16 REQUIRED BY 20 CFR PART 603. SUCH AGREEMENT MAY ONLY PROVIDE FOR INFOR-  
17 MATION TO BE USED FOR A PERIOD OF UP TO TEN YEARS BUT MAY BE RENEWED FOR  
18 ADDITIONAL PERIODS OF TIME.

19 (11) (A) PURSUANT TO CLAUSE TEN OF THIS SUBPARAGRAPH, THE COMMISSIONER  
20 SHALL ELECTRONICALLY POST IN A PLACE ACCESSIBLE BY THE GENERAL PUBLIC  
21 (I) THE MINIMUM CONDITIONS FOR GRANTING A REQUEST FROM GOVERNMENTAL  
22 AGENCIES FOR DISCLOSURE OF INFORMATION, (II) A STANDARD APPLICATION FOR  
23 SUBMITTING REQUESTS FOR DISCLOSURE OF UNEMPLOYMENT INSURANCE INFORMATION  
24 IN INDIVIDUALLY IDENTIFIABLE FORM, IN DE-IDENTIFIED UNIT LEVEL FORM, OR  
25 AGGREGATED STATISTICAL FORM, (III) THE TIMEFRAME FOR INFORMATION REQUEST  
26 DETERMINATIONS BY THE COMMISSIONER, SUCH THAT WITHIN TWENTY BUSINESS  
27 DAYS OF RECEIVING A REQUEST, THE COMMISSIONER SHALL EITHER APPROVE OR  
28 DENY THE REQUEST OR ASK FOR ADDITIONAL INFORMATION; WITHIN TWENTY BUSI-  
29 NESS DAYS OF RECEIVING A REQUEST FOR ADDITIONAL INFORMATION, THE  
30 REQUESTING AGENCY SHALL RESPOND TO THE COMMISSIONER, AND; WITHIN THIRTY  
31 CALENDAR DAYS OF RECEIVING THE ADDITIONAL INFORMATION, THE COMMISSIONER  
32 SHALL PROVIDE A FINAL APPROVAL OR DENIAL OF THE REQUEST, AND (IV)  
33 CONTACT INFORMATION FOR ASSISTANCE WITH REQUESTS FOR DISCLOSURE OF  
34 INFORMATION.

35 (B) ANY APPROVAL OR DENIAL PURSUANT TO CLAUSE TEN OF THIS SUBPARAGRAPH  
36 SHALL BE IN WRITING. DENIALS SHALL IDENTIFY THE REASON OR CATEGORY OF  
37 REASON FOR THE DENIAL.

38 (C) THE COMMISSIONER SHALL ISSUE GUIDELINES REGARDING THE DEVELOPMENT  
39 OF AGREEMENTS WITH RESPECT TO DISCLOSURES APPROVED PURSUANT TO CLAUSE  
40 TEN OF THIS SUBPARAGRAPH, AND SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE  
41 LIMITED TO, THE PROCESS AND TIMEFRAME FOR DEVELOPING SUCH AGREEMENTS AND  
42 THE TERMS THEREIN CONSISTENT WITH 20 CFR PART 603 AND OTHER FEDERAL  
43 REGULATIONS.

44 S 2. Subdivision 3 of section 537 of the labor law is amended by  
45 adding a new paragraph i to read as follows:

46 I. PAYMENT TO THE DEPARTMENT FOR DISCLOSURE OF REQUESTED UNEMPLOYMENT  
47 INSURANCE INFORMATION. (1) EXCEPT AS PERMITTED UNDER APPLICABLE FEDERAL  
48 LAW OR REGULATION, OR AS OTHERWISE AUTHORIZED BY AGREEMENT BETWEEN THE  
49 DEPARTMENT AND THE UNITED STATES DEPARTMENT OF LABOR, FEDERAL UNEMPLOY-  
50 MENT INSURANCE GRANT FUNDS SHALL NOT BE USED TO PAY FOR ANY OF THE COSTS  
51 INCURRED BY THE DEPARTMENT IN PROCESSING AND HANDLING A REQUEST FOR  
52 DISCLOSURE OF UNEMPLOYMENT INFORMATION MADE UNDER THIS ARTICLE. SUCH  
53 COSTS SHALL BE CALCULATED, COLLECTED, AND ADMINISTERED BY THE DEPARTMENT  
54 CONSISTENT WITH APPLICABLE FEDERAL RULES AND GUIDELINES AND SHALL BE  
55 PAID IN ADVANCE OF DISCLOSURE TO THE DEPARTMENT BY THE ENTITY REQUESTING  
56 THE INFORMATION OR BY ANOTHER PARTY ACTING ON BEHALF OF SUCH ENTITY.

1 WHERE THE RECIPIENT IS A PUBLIC OFFICIAL, THE DEPARTMENT MAY ACCEPT  
2 PAYMENT OF COSTS BY WAY OF REIMBURSEMENT.

3 (2) COSTS PAID UNDER THIS PARAGRAPH SHALL BE INCOME OF THE STATE UNEM-  
4 PLOYMENT INSURANCE PROGRAM AND SHALL ONLY BE USED AS PERMITTED UNDER THE  
5 PROVISIONS OF APPLICABLE FEDERAL REGULATIONS OR GUIDELINES GOVERNING THE  
6 ASSESSMENT AND EXPENDITURE OF SUCH COSTS.

7 S 3. This act shall take effect on the sixtieth day after it shall  
8 have become a law.